

EXECUTIVE AND OTHER  
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8673. A communication from the Administrator, Agricultural Marketing Service, Food and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Increased Assessment Rate" (FV04-958-2 FR) received on July 21, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8674. A communication from the Director, Faith-Based and Community Initiatives, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Equal Opportunity for Religions Organizations" (RIN0503-AA27) received on July 21, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8675. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bitertanol, Chlorpropham, Cloprop, Combustion Product Gas, Cyanazine, et al.; Tolerance Actions" (FRL#7358-6) received on July 21, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8676. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to the Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-8677. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Consolidation of Assets-Backed Commercial Paper Programs and Other Related Issues (Regulations H and Y)" (Doc. No. R-1162) received on July 21, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-8678. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Hazelwood SO<sub>2</sub> Nonattainment and the Monongahela River Valley Unclassifiable Areas to Attainment and Approval of the Maintenance Plan" (FRL#7781-3) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8679. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia; Technical Amendment" (FRL#7790-5) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8680. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Maintenance Plan Revisions; Ohio" (FRL#7789-2) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8681. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Maryland: Final Authorization of State Hazardous Waste Management Program Revisions"

(FRL#7791-3) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8682. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Asbestos" (FRL#7789-5) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8683. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Monterey Bay Unified and Santa Barbara County Air Pollution Control Districts" (FRL#7783-9) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8684. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL#7781-9) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8685. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL#7784-3) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8686. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Transportation Conformity Rule Amendments for the New 8-Hour Ozone and PN<sub>2.5</sub> National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes Correction to the Preamble" (FRL#7789-6) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8687. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, a report entitled "The Year in Trade 2003"; to the Committee on Finance.

EC-8688. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: United States Munitions List and Part 123" (RIN1400-ZA) received on June 24, 2004; to the Committee on Foreign Relations.

EC-8689. A communication from the Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "National Instant Criminal Background Check System Regulation" (RIN1110-AA07) received on July 22, 2004; to the Committee on the Judiciary.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-492. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the State Waste Empowerment and Enforcement Provision Act

of 2003; to the Committee on Environment and Public Works.

## HOUSE JOINT RESOLUTION No. 247

WHEREAS, recent reports issued by the Department of Environmental Quality reveal that Virginia is currently the second largest importer of municipal solid waste from other states, second only to Pennsylvania, and is currently importing approximately 5.5 million tons annually of municipal solid waste from other states; and

WHEREAS, the amount of municipal solid waste being imported into Virginia is expected to increase in the coming years due to the closure of the Fresh Kills Landfill in New York and increased volumes from other states; and

WHEREAS, the importation of significant amounts of municipal solid waste from other states is prematurely exhausting Virginia's limited landfill capacity; and

WHEREAS, the negative impact of truck, rail, and barge traffic and litter, odors, and noise associated with waste imports occurs at the location of final disposal and along waste transportation routes, and current landfill technology has the potential to fail, leading to long-term cleanup and other associated costs; and

WHEREAS, under current federal law, Virginia cannot regulate the amount of solid waste brought into the Commonwealth each year; and

WHEREAS, the importation of significant amounts of municipal solid waste from other states is inconsistent with Virginia's efforts to promote the Commonwealth as a national and international destination for tourism and high-tech economic development; and

WHEREAS, the Commerce Clause of the United States Constitution and its interpretation and application by the United States Supreme Court and other federal courts regarding interstate solid waste transportation has left Virginia and other states with limited alternatives to regulate, limit, or prohibit the importation of municipal solid waste; and

WHEREAS, the General Assembly of Virginia believes that state and local governments should be given more authority to control the importation of municipal solid waste into their jurisdictions; and

WHEREAS, although state laws governing the importation of municipal solid waste have been ruled to violate the Commerce Clause of the United States Constitution, the enactment of the State Waste Empowerment and Enforcement Provision Act of 2003 would protect states from constitutional challenges to common sense regulation of trash haulers, and empower states to require inspectors at landfills, incinerators, and transfer stations that accept out-of-state municipal solid waste; and

WHEREAS, it is the consensus of the General Assembly of Virginia that state and local governments should be given more authority to limit, reduce, and control the importation of solid waste into their jurisdictions through several provisions, including percentage caps, calendar year freezes, the regulation and restriction of certain modes of transportation, the requirement of state inspectors at facilities handling out-of-state waste, and the assessment of fees for the receipt or disposal of out-of-state municipal solid waste that are different than fees assessed for the receipt or disposal of municipal solid waste generated within the Commonwealth: Now, therefore, be it

*Resolved by the House of Delegates, the Senate concurring,* That the Congress of the United States be urged to enact the State Waste Empowerment and Enforcement Provision Act of 2003 (HR 1123). The Congress is